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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058839
Party	Defendant Wine Dive, LLC
Correspondence Address	CARL J SPAGNUOLO MCHALE & SLAVIN PA 2855 PGA BOULEVARD PALM BEACH GARDENS, FL 33410 UNITED STATES cspagnuolo@mchaleslavin.com
Submission	Other Motions/Papers
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Date	07/23/2014
Attachments	~OTQ2I5I001F.PDF(72190 bytes) SnootysSuppSpecimenDeclar072214.PDF(35965 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: WINE DIVE, LLC,
a Florida limited liability company

Registrant (Registration No. 4,283,391)

REGISTRANT'S NOTICE OF SUBMISSION OF SUPPLEMENTAL SPECIMENS

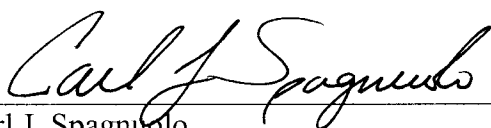
Registrant, Wine Dive, LLC, by and through its undersigned attorneys, hereby submits the attached Supplemental Specimens and asks that the Board accept Registrant's Declaration, (attached), and file the two attached Supplemental Specimens into the 4,283,391 Registration prosecution history.

37 C.F.R. §2.59(b) provides that if the applicant files at least one specimen with the statement of use, but the specimen is unacceptable, the applicant may provide a substitute specimen *after the expiration of the time permitted* for filing the statement of use, provided that the applicant verifies that the substitute specimen was in use in commerce before the expiration of the deadline for filing the statement of use. In the case of the '391 Registration, the Registrant had numerous specimens from which to select.

The undersigned was recently engaged as Registrant's legal counsel and, after reviewing the Registrant's business records and its premises, recommended submitting supplemental specimens which tend to more accurately reflect and represent the actual use of the applied-for trademark. The Supplemental Specimens are comprised of: 1). a photo of the actual menu used by the Registrant during the first year of operation; and 2). a photo of the threshold mat that has been present at the entrance of Registrant's business since prior to the expiration of the deadline for filing a Statement of Use.

Once an opposition/cancellation action has been commenced, all documents pertaining to an official trademark record must be filed through the Trademark Trial & Appeal Board. The '391 Registration is presently the subject of Cancellation No. 92058839. Accordingly, Registrant hereby submits the attached Declaration and Supplemental Specimens to the Board and asks that same be filed and made part of the official file prosecution history of Registration No. 4,283,391.

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the foregoing REGISTRANT'S NOTICE OF SUBMISSION OF SUPPLEMENTAL SPECIMENS was filed electronically with the Trademark Trial and Appeal Board using the ESTTA filing system, on July 23, 2014. Notice of this filing will be sent to counsel for all parties by email and U.S. Mail to the following Address:

Sheila Fox Morrison
Davis, Wright, Tremaine, LLP
1300 SW Fifth Avenue, Suite 2400
Portland, Oregon 97201
sheilafoxmorrison@dwt.com



Carl J. Spagnuolo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Wine Dive, LLC d/b/a Snooty's Wine Dive, LLC
Registration No. : 4283391
For : SNOOTY'S WINE DIVE
TTAB Proceeding No. : 92058839
Atty. File No. : 4618U.000001

**DECLARATION UNDER § 2.20 SUPPORTING USE OF SUBSTITUTE AND
SUPPLEMENTAL SPECIMENS**

Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

1. That the below listed individual is an officer of Registrant Corporation, Wine Dive, LLC d/b/a Snooty's Wine Dive, LLC, and hereby state that Registrant is owner of the mark "Snooty's Wine Dive" which is the subject matter of this registration, and that I am authorized to make this Declaration Under 37 C.F.R. § 2.20 Supporting Use of Substitute and Supplemental Specimens.

2. That the supplemental specimen was in use in commerce prior to the expiration of the deadline for filing the Statement of Use.

3. That I am hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, I declare that the facts set forth in this application are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Respectfully submitted,
Wine Dive, LLC d/b/a Snooty's Wine Dive, LLC



Sandra Lawson
Title: MGRM

Dated: 7-16-2014